

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) | Case No. 8:04CR332 |
|                           | ) |                    |
| Plaintiff,                | ) |                    |
|                           | ) |                    |
| v.                        | ) | ORDER              |
|                           | ) |                    |
| LORA KEMPTAR,             | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |

This matter comes on to consider the government's motion for Rule 35(b) hearing. Filing No. 48. Having considered the matter,

IT IS ORDERED that:

1. A hearing on the government's motion pursuant to Rule 35(b) has been scheduled before the undersigned United States district judge on **February 3, 2006, at 8:30 a.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska;

2. Defense counsel is reappointed to represent the defendant at this hearing;

3. At the request of the defendant through her counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;

**4. The Marshal is directed not to return the defendant to the district; and**

5. The defendant is held to have waived her right to be present for this hearing.

DATED this 20th day of January, 2006.

BY THE COURT:

s/Joseph F. Bataillon

JOSEPH F. BATAILLON

UNITED STATES DISTRICT JUDGE